REMARKS

The Examiner rejected claims 1-4 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Abecassis, U.S. Patent No. 6,553,178 and Goldhaber, et al., U.S. Patent No. 5,794,210. As explained in detail below, the Examiner's rejection is improper because the combination does not suggest the limitation of a "protection attribute with respect to at least one [audio image or video] preference of a user indicating whether said one of said preferences in considered public or private." The Examiner's proposed combination of Abecassis and Goldhaber is also improper because the combination would render the protection attribute of Abecassis, i.e. a password protecting viewing preferences from being changed by a user's family members, unfit for its intended purpose.

Abecassis discloses a video-on-demand system that includes user preference descriptions for multiple users by which content such as violence, nudity, etc. may be filtered for individuals or sets of users. For example, parents may establish one preference scheme for their own viewing that is unfiltered, but also establish a viewing preference scheme for their teenage child by which objectionable content is filtered. These preference schemes may, of course, be password protected, otherwise they would be useless as the teenage child could modify them at any time. As noted by the Examiner, Abecassis also discloses an advertisement scheme within the video-on-demand system by which advertisements may be (1) filtered in accordance with the preference schemes; and (2) chosen in accordance with an active preference scheme. Abecassis, however, fails to suggest the desirability of keeping the preference schemes themselves secret; to the contrary, Abecassis only suggests that the preference schemes be transparent to the service provider so as to provide video and/or advertisements targeted to the viewing preferences of the current user(s).

Goldhaber, conversely, discloses a browser by which a user may be credited or otherwise compensated for agreeing to watch advertisements. To customize the advertisements to the particular interests of the user, Goldhaber suggests that an information profile for the user may be completed, where the information profile includes (1) identification information like name and address; and (2) demographic information such as age, gender, and race, as well as interests where the description of interests is preferably "limited to nouns or other phrases" so that they

may be used by an automatic system to identify advertisements tailored to those interests. Because both the identification profile and the demographic profile contain personal information, Goldhaber provides either profile to be withheld from advertisers, though Goldhaber notes that customization of advertisements cannot occur unless the demographic profile is released to advertisers.

The Examiner seeks to combine these two references by arguing that, since Abecassis discloses preference schemes relating to a user's viewing wishes and protects them with a password (which the examiner asserts is a "protection attribute"), and because Goldhaber generally discloses the utility of allowing a viewer the option of withholding personal and/or demographic data from advertisers or content providers, then it would be obvious to modify Abecassis' protection attribute, i.e. the password, to indicate whether the preference schemes are public or private. The problem with the Examiner's reasoning is twofold. First, the Examiner's assertion that "Abecassis contemplates generally the protection of a user's viewing preference" is only true to the extent that the viewing preferences are password protected *from modification.* Abecassis never indicates the desirability of keeping the profiles secret from other family members, nor even withheld from the system of the content provider, else the system would not operate as intended. For example, since the system of Abecassis includes different video streams for the same movie, some having selective content filtered out, the system relies upon access to the preference schemes in order to function. Thus, if the password of Abecassis were modified as suggested by the Examiner, the system of Abecassis would, at best, merely be able to prevent viewers from watching movies in violation of a preference scheme, rather than provide the user with a version of the movie *filtered in accordance with* the viewing scheme. Abecassis clearly does not contemplate such a neutered system.

Second, the Examiner provides no explanation as to how the password of Abecassis could be modified to indicate whether the scheme is withheld from the service provider/advertiser, while still retaining its function as a password to prevent modification of the profiles themselves. The password, by its nature, must be arbitrary and unpredictable. But in order for it to indicate whether to hide or grant access to the scheme itself, the password has to be read, or interpreted. If, for example, the password were to be a binary string of bits, each bit

indicating whether a particular preference is public or private, the password could be broken easily.

Finally, to the extent that the Examiner contends that Goldhaber suggests that Abecassis be modified to include an additional protection attribute, different from the access password, the Examiner would be incorrect. Goldhaber only suggests the option of withholding a user's demographic profile from advertisers because it contains *personal information* about the user, i.e. age, race, gender, etc. Such personal information is not analogous to a preference scheme that merely describes filter levels of potentially objectionable content. Abecassis never indicates any desire to *hide* such preference schemes, only protect them from modification and Goldhaber does not have those preference schemes to begin with, hence one reasonably skilled in the art would not infer from Goldhaber any desire to, or benefit from, secrecy of Abecassis' protection schemes, particularly when such secrecy would deprive that system of a significant portion of its functionality.
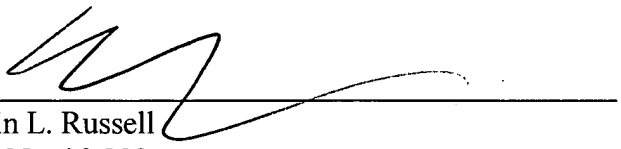
Therefore, it is applicant's position that the Examiner's rejection of claims 1-4 in view of the cited combination is improper. Nonetheless, in order to advance the application to allowance, applicant has further amended claim 1 to include the limitation of "said protection attribute comprising a binary number having a number of bits equal to the number of said preferences and where each bit of said binary number indicates whether a preference is to be public or private." Abecassis does not suggest the desirability of withholding such preferences, and Goldhaber's preferences are in the form of listed interests, preferably nouns, etc. and cannot therefore be represented by a binary number because Goldhaber cannot know how many nouns etc. will be in the list, or interpret/process them in a manner that would keep one noun secret while others public. Furthermore, Goldhaber merely discloses the options of alternatively withholding or releasing all demographic information, and discloses no means of parsing which included information is to be withheld or released. For each of these reasons independent claims 1, as well as its dependent claims 2-4 should be allowable.

Similarly, the Examiner's rejection of claim 5, which was also premised upon the combination of Abecassis and Goldhaber, are also overcome.

In view of the foregoing remarks, reconsideration and allowance of claims 1-5 is respectfully requested.

Respectfully submitted,

Kevin L. Russell
Reg. No. 38,292
Tel No.: (503) 227-5631

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 1, 2005   Kevin E. Russell